

08
08
FILE

MEMORANDUM FOR: Director of Personnel

SUBJECT : Citizenship Requirement for Agency
Staff Employment

STATINTL

1. Reference is made to your memorandum dated 13 August 1974 which forwarded correspondence from the Office of the General Counsel and recommended that the Office of Security undertake a review of HR [REDACTED] more specifically HR [REDACTED], as it pertains to the five-year citizenship requirement for Agency employment.

2. A thorough review of the above regulation has been effected and this Office strongly recommends that the provisions of HR [REDACTED] be retained as written. The rationale for this recommendation is based upon the following:

- a. A former DCI, by memorandum dated 29 May 1953 to the Chairman of the Civil Service Commission, designated all "regular positions in the Central Intelligence Agency" as sensitive positions within the meaning of Executive Order 10450 and, as such, applicants for these positions were subject to a full field investigation which has been interpreted to mean a 15-year background investigation. A valid 15-year background investigation cannot be conducted on an applicant unless he has spent the majority of this time within the confines of the United States. Any investigative effort in another country, even one closely allied with the United States, is meager at best and would not be considered a valid investigation by and of itself.
- b. The five-year citizenship requirement is tempered by HR [REDACTED] (1) which provides that

STATINTL

OS 4 0511-A

ADMINISTRATIVE-INTERNAL USE ONLY

an exception to this requirement "may be granted by the Director of Security -- upon receipt of written justification from an operating official." It is to be noted that the Office of Security has been quite liberal in granting exceptions when it has been able to conduct a valid background investigation on the applicant and there are no other disqualifying factors involved in the processing. STATINTL

3. There are two factors which distinguish HR [REDACTED] from Section 515 of the Foreign Service Act of 1946, 22 U.S.C. Section 910 (1970). The first is that HR [REDACTED] is based on security considerations whereas Section 515 of the Foreign Service Act required citizenship for at least 10 years in order to assure the individual's familiarity with U.S. culture and customs. The second factor is that Section 515 of the Foreign Service Act provided for automatic disqualification unless the individual was a citizen for 10 years whereas provisions of HR [REDACTED] do not result in automatic disqualification since the Director of Security can and does grant exceptions to the five-year citizenship requirement provided the operating official provides a written justification for an exception and a valid background investigation can be conducted on the applicant with no other disqualifying factors being present. STATINTL

4. Subsequent to the receipt of your memorandum, this Office conducted a limited survey of other sensitive government agencies and ascertained that these agencies do not have a durational citizenship requirement for employment. However, it is believed that the security requirements as set forth in HR [REDACTED] are necessary because of the unique mission of this Agency and also because the category of applicant under consideration represents a potentially higher security risk than does a native-born citizen. STATINTL

5. Compounding the potentially higher security risk involved in processing applicants who have been citizens for less than five years is the fact that our overseas investigative capability, even in friendly countries, is very meager and in the majority of cases is limited to station trades which could not in any way be construed as a valid background investigation. Coupled with this limitation is the fact that legislation enacted in the United States within the past few

ADMINISTRATIVE-INTERNAL USE ONLY

years pertaining to invasion of privacy and protection of civil liberties has made it increasingly difficult to conduct background investigations within the confines of the United States. This latter fact was one of the reasons why a revalidation of the 15-year background investigation of applicants was recently approved by the Deputy Director for Administration.

Charles W. Kane
Director of Security

Distribution:

Orig & 1 - Adse
1 - D/Sec
4 - C/CD
1 - ST&OB Chrono

27 August 1974

ADMINISTRATIVE-INTERNAL USE ONLY

Personnel

CONFIDENTIAL

Approved For Release 2002/01/08 : CIA-RDP83B00823R000900110004-0

PERS 74-3952

13 AUG 1974

MEMORANDUM FOR: Director of Security

SUBJECT : Citizenship Requirement for Agency
Staff Employment

1. The attached correspondence from the General Counsel deals with the subject of the Agency's requirement that staff employees normally will have been U. S. citizens for at least five years before being appointed by the Agency.

2. As you may well understand, the Agency frequently receives employment applications from individuals who do not meet our citizenship requirement. Today's concentration on civil liberties and constitutional rights raises questions in our minds as to the strength of our position vis-a-vis the five-year citizenship rule.

3. Although opinion in OGC on this subject seems divided, it does appear that there is agreement on the need for a re-examination of HR [REDACTED]. Although my Office is directly concerned with the applicants and correspondence to them (and sometimes to their Congressmen) on this subject, HR [REDACTED] is a Security regulation. I would be most interested in the results of any review of HR [REDACTED] which you undertake.

[REDACTED]
F. W. M. Janney
Director of Personnel

Attachments (2)

cc: General Counsel

May Be Downgraded to
Administrative-Internal Use
Only When Separated From
Attachment

Approved For Release 2002/01/08 : CIA-RDP83B00823R000900110004-0

CONFIDENTIAL

OS 40511